

03500.015514.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: T. Phan
TADAYASU MEGURO ET AL.)	
	:	Group Art Unit: 2841
Application No.: 09/845,286)	
	:	
Filed: May 1, 2001)	
	:	
For: ELECTRON SOURCE FORMING)	
SUBSTRATE, AND ELECTRON	:	
SOURCE AND IMAGE DISPLAY)	
APPARATUS USING THE SAME	:	
)	October 8, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OCT 14 2004

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REQUEST FOR WITHDRAWAL OF
ERRONEOUSLY ISSUED NOTICE OF ABANDONMENT

Sir:

A "Final" Office Action was issued by the Patent and Trademark Office on May 30, 2003, setting forth a three-month shortened statutory period for reply, expiring on Saturday, ~~April~~ ^{August} 30, 2004 (Monday, September 1, being a Federal Holiday). On September 2, 2003, Applicants timely filed an Amendment After Final Action via certificate of mailing under 37 C.F.R. § 1.8, in response to the Office Action.

Subsequently, an Advisory Action was mailed by the Patent and Trademark Office in this application on October 14, 2003, indicating that the Amendment After Final Action

filed by Applicants on September 2, 2003, would not be entered because allegedly it would “raise new issues that would require further consideration and/or search.” On October 28, 2003, Applicants timely filed a Request for Continued Examination (RCE) along with a Petition for a two-month time extension under 37 C.F.R. § 1.136 and the required \$420.00 extension fee, as evidenced by the attached copy of the return postcard bearing the Patent and Trademark Office official stamp of receipt. This RCE is believed clearly to be a proper reply to the May 30, 2003 Office Action and the October 14, 2003 Advisory Action, because it specifically requested consideration of Applicants’ September 2, 2003 non-entered Amendment After Final Action, which qualifies as a submission under 37 C.F.R. §1.114. The stamped postcard is *prima facie* evidence that the RCE was timely filed in the Patent and Trademark Office on October 28, 2003, i.e., before the end of the six-month statutory period which began on May 30, 2003. For the Examiner’s convenience, one copy of the RCE is also attached.

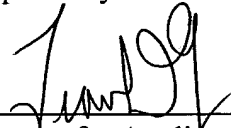
An erroneous Notice of Abandonment was mailed by the Patent and Trademark Office on September 21, 2004 indicating that Application No. 09/845,286 has been abandoned for “failure to timely file a proper reply to the Office letter mailed on October 14, 2003.”

In view of the procedure under 37 C.F.R. § 1.114, Applicants respectfully request that the Notice of Abandonment be withdrawn, that the above-identified application be returned to pending status, and that the Examiner consider and enter Applicants’ September 2, 2003 Amendment After Final Action.

It is believed that no fee is required for action on this Request, because the Notice of Abandonment is believed to have been issued erroneously by the Patent and Trademark Office. However, if a fee is required, please charge Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

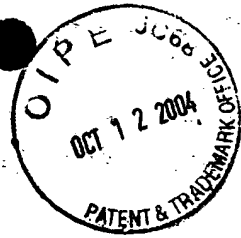
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank A. DeLucia', is written over a horizontal line.

Attorney for Applicants
Frank A. DeLucia
Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO
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Mail Stop RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 10 / 28 / 03
Mo. Day Yr.
03500
Atty. Docket 015514
09/845,286

Sir:

Kindly acknowledge receipt of the accompanying:

- ☐ Specifications, claims and abstract _____ pages, with Transmittal Form
☐ Patent Application Bibliographic Data Sheet _____ sheets
☐ Executed Oath or Declaration and Power of Attorney
☐ _____ Sheets of _____ formal _____ informal drawings
☐ Check for \$ _____ (filing fee)
☒ Request for Continued Examination and Check for \$ 770.00
☐ Assignment, PTO-1595 and Check for \$ _____
☐ Transmittal Under 37 CFR 1.53(d) (CPA)
☒ Petition under 37 CFR 1.136 and check for \$ 420.00
☐ Other (specify) _____

by placing your receiving date stamp hereon and mailing or returning to deliverer.

This is a ☐ Continuation ☐ Divisional ☐ Continuation-In-Part

Atty. FAD/mw

Due Date 10 / 30 / 03
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37 CFR 1.8 ☐
37 CFR 1.10 ☐
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